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MEMORANDUM FOR: Deputy Director for Operations
Deputy Director for Administration
Deputy Director for Science & Technology
Deputy Director for National Foreign Assessment
Inspector General

FROM: Daniel B. Silver
General Counsel

SUBJECT: Revisions to Procedures Implementing Executive
Order 12036

1. The purpose of this memorandum is to request your assistance in making any necessary revisions to procedures required by Executive Order 12036.

2. As you may recall, the Order calls for eleven sets of detailed implementing procedures.* All of these sets were drafted by the Agency with your help last year and submitted to the Attorney General for approval. Eight of the sets were approved and became effective last September; the three remaining sets still await his approval.

3. In October, the DCI agreed with the Attorney General that the approved procedures should be reviewed at an early date for purposes of correcting any mistakes in them that may become apparent during the initial phase of implementation. The DCI further agreed to resubmit the procedures to the Attorney General by 1 March with whatever changes appear necessary from our perspective. The present procedures will voluntarily be withdrawn and the revised procedures reapproved by 1 July.

*These procedures deal with collection, storage and dissemination of information concerning U.S. persons; physical surveillance; electronic surveillance (approval pending); electronic and mechanical monitoring; physical search and mail; reporting crimes; undisclosed participation in domestic organizations; foreign intelligence collection in the United States (approval pending); counterintelligence activities in the United States (approval pending); assistance to law enforcement agencies; and covert procurement.

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4. I realize that we have had but brief experience with the procedures and that their full impact may not yet be apparent. Nevertheless, the process of reconsideration provides an opportunity to correct problems we may have overlooked before. With this objective in mind, I would appreciate any thoughts or suggestions your staff may have with respect to the procedures by c.o.b. 8 February. In particular I am interested in any operational problems the procedures may have caused that might be overcome by changes in the procedures and, if necessary, the Executive Order itself. The appropriate contacts in my Office are Ed Dietel and Bernie Makowka who can be reached on 1104 red. Comments may be oral; we intend to circulate a comprehensive set of proposed revisions for your coordination in the near future.

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Daniel B. Silver

Attachments: E.O. 12036 Procedures

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